



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. **09-12**

Date: **February 4, 2009**

Application No. **200402122**

Expires: **March 6, 2009**

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE US ARMY CORPS OF ENGINEERS AND COMMONWEALTH OF KENTUCKY

SUBJECT: Proposed Construction of an Additional Barge Load-Out Facility at Cumberland River Mile 16.5, Right Bank, downstream of the Existing Warren Paving Barge Load-Out Terminal (Slats Lucas Quarry), Livingston County, Kentucky

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)** for the discharge of fill material into waters of the United States. Before a permit can be issued, certification must be provided by the commonwealth of Kentucky, Department for Environmental Protection pursuant to **Section 401(a)(1) of the CWA**, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Warren Paving, Inc.
562 Elks Lake Road
P.O. Box 572
Hattiesburg, Mississippi 39403

LOCATION: Cumberland River Mile 16.5, Right Bank, approximately 1,100' downstream of the existing Warren Paving Barge Load-out Terminal (Slats Lucas Quarry), Livingston County, Kentucky (USGS Dycusburg Quad; Lat 37-11-14; Lon 88-14-14)

DESCRIPTION: The proposed work consists of constructing an additional floating barge and loading ramp at the existing Slats Lucas Quarry. The proposed barge would be anchored to the riverbank by eight (8) deadman anchoring devices. The barge would also be equipped with two pointed pylons that would be lowered into the bottom to stabilize and anchor the barge in the channel. The face of the barge would be located approximately 45' from the normal water elevation 302'. The length of the barge would be 200'. The floating barge would also be attached to the riverbank by a ramp secured by two deadman anchors and would keep the barge washing ashore. The access ramp would be approximately 75' long with a running surface of

20'. Upon installation of the anchors, the riverbank would be notched for access to the barge ramp. The riverbank would be cut down approximately 12' with side slopes of 2:1. Riprap would be placed along the cut slopes and running surface. The undisturbed bank of the river would be riprapped from top of the bank at approximately Elevation 330' down to Elevation 299', which is approximately 3' below the normal water elevation. The length of the cut and riprap would extend along 50' of riverbank. Approximately 200 cubic yards of rock would be placed along the bank and below the water line in the proposed ramp area for stabilization purposes.

The proposed additional barge facility would be located approximately 1,100' downstream from the existing applicant's barge terminal facilities at the Slat Lucas Quarry (previously permitted in November 2006). The proposed additional terminal is located 550' downstream and within the benefit area of the existing Section 206 Aquatic Ecosystem Restoration Project treatment site that was installed by the Nashville District Corps of Engineers. The purpose of the Section 206 project at this site is to restore habitat for the aquatic community in general, with the primary focus on extending an existing mussel bed located upstream of the project location. The site was treated by sloping and riprapping/bioengineering approximately 3,000' of heavily eroding riverbank and providing a 50' wide grassed and reforested riparian buffer zone along the top of the riverbank location.

The proposed terminal addition is necessary to provide additional loading capabilities and would enable the applicant to load oversized stone product. The proposed facility would decrease the loading time of barges thus, reducing the time needed to park barges in the currently approved fleeting areas. As with the existing quarry, the rock would only be removed from the project site by barge. No truck traffic is proposed for the hauling of the rock. The rock would be shipped mainly to the areas of Mississippi, where the applicant has indicated there is a large demand for the resource due to the hurricane destruction.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

- a. Water quality certification from the commonwealth of Kentucky, Division of Water, in accordance with Section 401(a)(1) of the Clean Water Act.
- b. The Corps of Engineers must determine that the proposed work is compatible with the existing Section 206 Aquatic Ecosystem Restoration Project.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before March 6, 2009, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson at the above address, telephone (615) 369-7509 or email: amy.m.robinson@usace.army.mil. It is not necessary to comment separately to the commonwealth of Kentucky since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to the commonwealth of Kentucky, they should be mailed to Ms. Joyce Fry, Division of Water, Water Quality Certification, 14 Reilly Road, Frankfort, Kentucky 40601.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at: <http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Amy Robinson at the above address or phone number.

DYCUSBURG QUAD

FILE NO. 2004-02122 PN 09-12

LOCATION OF PROPOSED REVISION

PROPOSED NEW
TERMINAL

EXISTING TERMINAL

END OF SEC 206
ECOSYSTEM PROJECT

EXISTING
QUARRY

CRITTENDEN CO
LIVINGSTON CO

CUMBERLAND



ENGINEERING CONSULTING SERVICES, INC.
LEXINGTON, KENTUCKY

CLIENT:

WARREN PAVING, INC.

LOCATION:

LIVINGSTON COUNTY

DATE: 10/01/08

SCALE:

1"=2000'

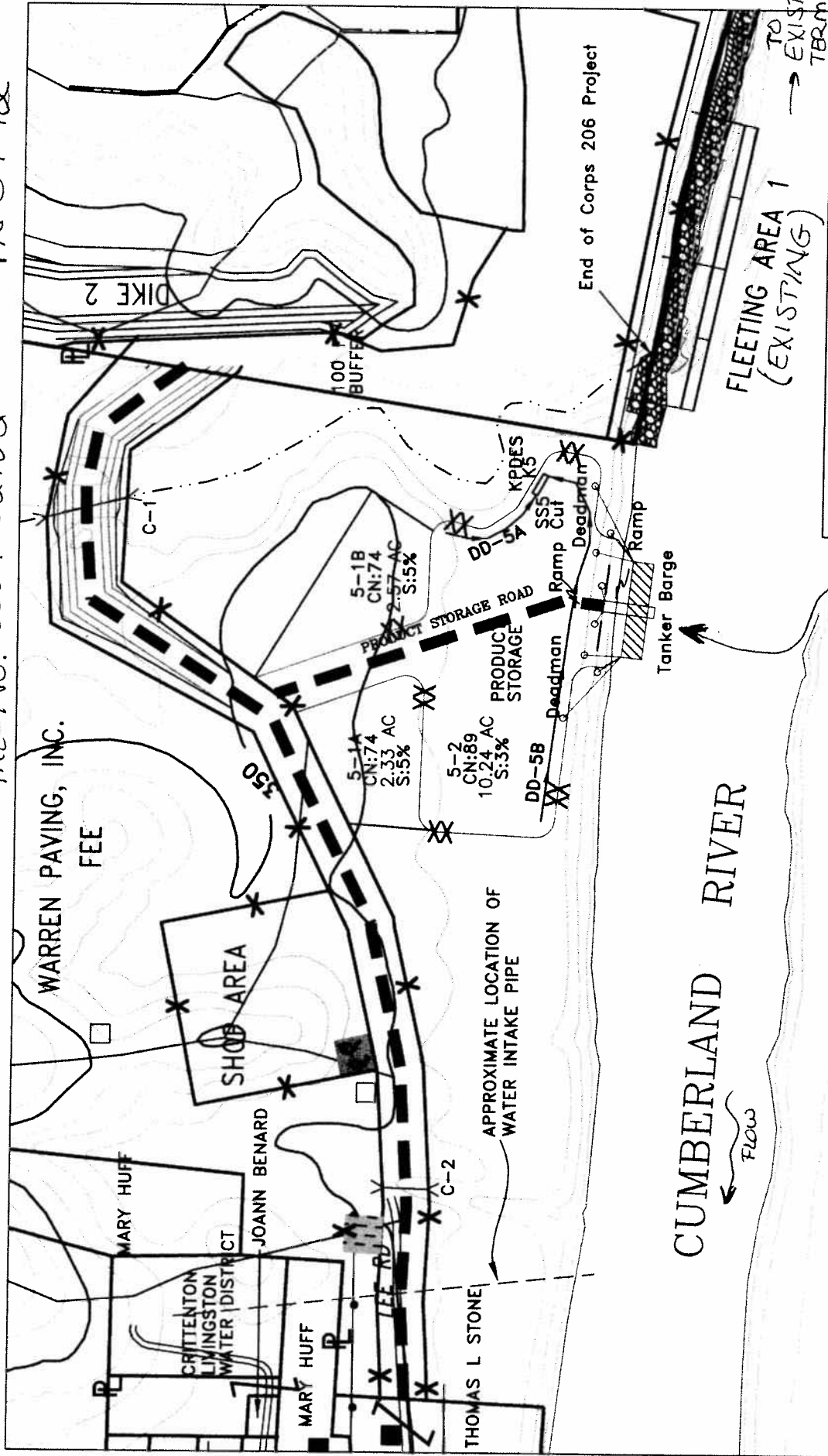
APPLICATION NO.:

02402122

TITLE:

SITE LOCATION MAP

File No. 2004-02122 PN 09-12



ENGINEERING CONSULTING SERVICES, INC.
LEXINGTON, KENTUCKY

CLIENT:

WARREN PAVING, INC.

LOCATION:

LIVINGSTON COUNTY, KY

DATE:

10/03/08

SCALE:

1" = 400'

APPLICATION NO.:

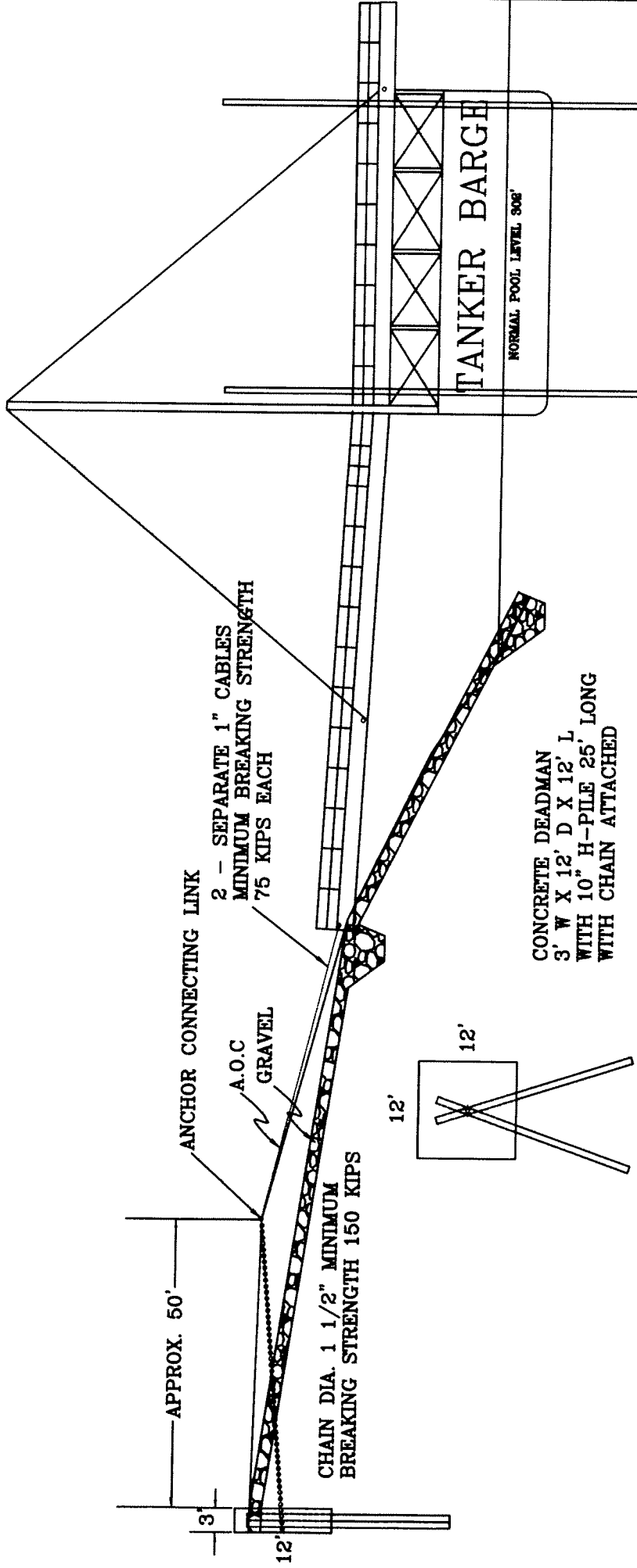
02402122


TITLE:

TANKER BARGE LAYOUT & SUBWATERSHED

- XX Revised Area
- * Permitted Area

File No. 2004-02122 PN 09-12



 1.5' MINIMUM STONE PROTECTION

MATERIAL PER INSTALLATION

1. 1 - FLOATING TANKER BARGE AS DETAILED ON DRAWING
2. 2 - 2" DIAMETER SHACKLES
3. 1 - WIRE ROPE LINK (AMERICAN TIGER BRAND NO. 400 OR EQUAL)
4. 60 LINEAL FEET OF 1 1/2" STUDDED ANCHOR CHAIN
5. 1,600 LINEAL FEET OF 1" CABLE (TO BE CALCULATED LATER)
6. 1 - ANCHOR CONNECTING LINK

NOTE: MATERIAL A - 36 STEEL OR EQUIVALENT EXCEPT AS NOTED.
BUOY TO BE PAINTED WHITE WITH A 4" REFLECTIVE BLUE STRIPE AS INDICATED.

MODIFIED CORPS OF ENGINEERS DWG. NO. OR-12.1/1



ENGINEERING CONSULTING SERVICES, INC.

LEXINGTON, KENTUCKY

CLIENT:

WARREN PAVING

LOCATION:

LIVINGSTON COUNTY

DATE: 10/01/08

SCALE:

1" = 20'

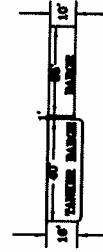
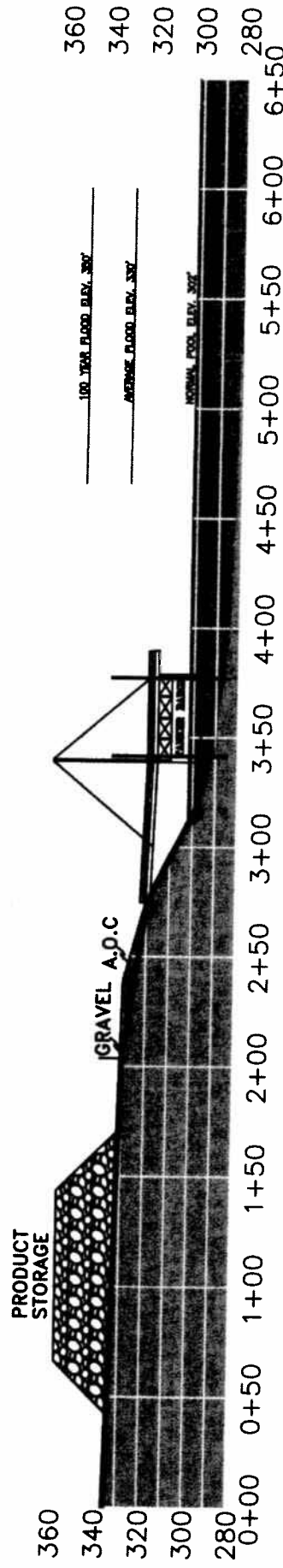
APPLICATION NO.:

02402122

TITLE:

DEADMAN TYPICAL

File No. 2004-02122 PN 09-12

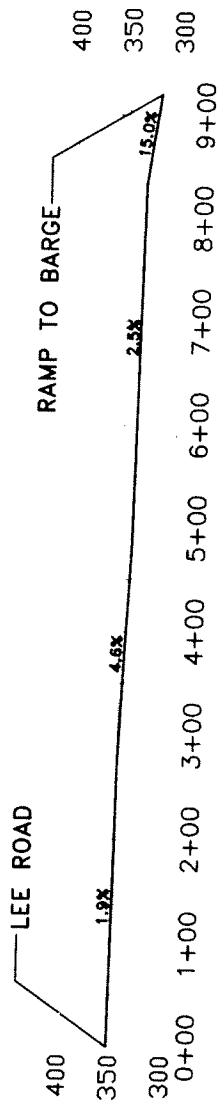


1.5' MINIMUM STAKE PROTECTION

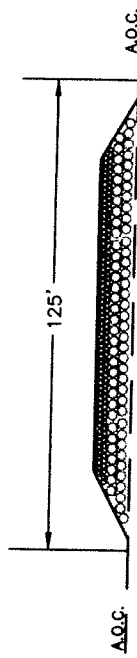
E		ENGINEERING CONSULTING SERVICES, INC.		
		LEXINGTON, KENTUCKY		
CLIENT	WARREN PAVING, INC.			
LOCATION	SLATS LUCAS QUARRY			
LOADING/DISCHARGING DATE 10/01/04	BY 1	PROJECT NO.	20402122	
SCALE	1" = 50'			
TANKER BARGE LOADOUT PROFILE				

File No. 2004-02122

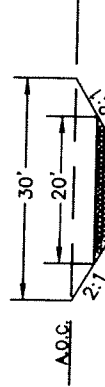
PN 09-12



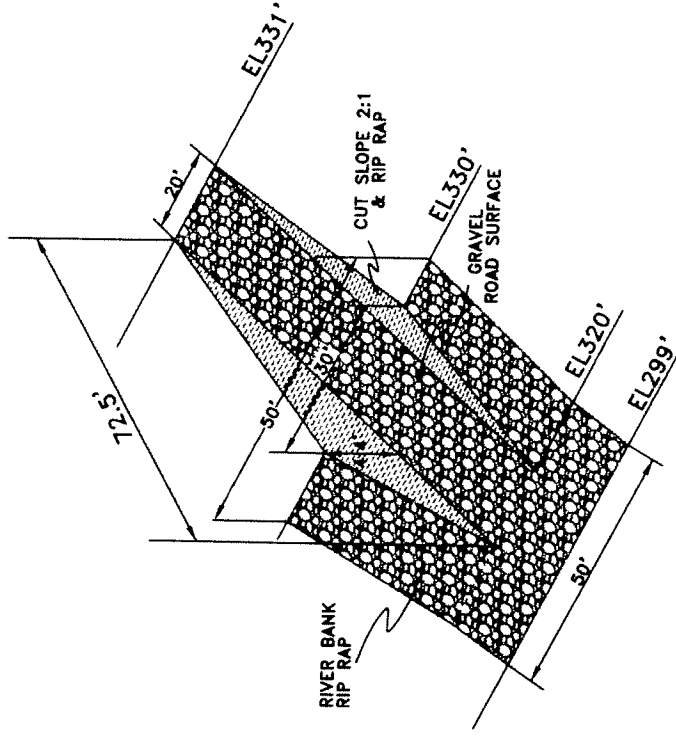
STA 0+00 THRU 34+00
SCALE: 1" = 200'



SECTION A-A'
SCALE: NTS



SECTION B-B'
SCALE: NTS



Note: Approx. Pool elevation 302'

CONCEPTUAL RAMP EXCAVATION
(DIMENSIONS ARE APPROXIMATE)



ENGINEERING CONSULTING SERVICES, INC.
340 S. BROADWAY, SUITE 200
LEXINGTON, KENTUCKY 40508
(859) 233-2103

308 HAMBLEY BOULEVARD
PIKEVILLE, KENTUCKY 41501
(606) 432-2443

CLIENT:

WARREN PAVING, INC.

LOCATION:

LIVINGSTON COUNTY

DATE:

10/01/08

SCALE: 1"=200'

FILE NO.:

20402122

TITLE:

STORAGE ROAD PROFILE & CROSS SECTION

I, _____ (signature) _____ (license no.) _____ (date)
hereby certify that this map is correct, and shows to the best
of my knowledge and belief all the information required by the
mineral operation laws and administrative regulations of the state.